

FISCAL NOTE

HB 1186 - SB 1662

March 19, 2007

SUMMARY OF BILL: Enacts the “Special Education Seclusion and Restraint Modernization and Positive Behavioral Supports Act.” The bill sets out a bill of rights for special education students to ensure that they are free from unnecessary seclusion and restraint. Requires training, such as the Mandt System, before any school personnel may administer physical restraint on a special education student; requires the Department of Education to collect and compile data regarding the use of seclusion and restraint and report the data to the State Advisory Council for the Education of Students with Disabilities; requires the State Board of Education to promulgate rules and to assist local boards of education with implementing school wide positive behavioral intervention plans and to report annually to the Legislature strategies to reduce or eliminate seclusion and restraint in schools.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant
Increase Local Govt. Expenditures* - \$4,827,500

Assumptions:

- Under the provisions of the bill physical restraint or seclusion cannot be administered unless school staff has been trained to safely implement the intervention.
- According to the Mandt System website, the cost of relational and conceptual training (training for those working with individuals who may be cooperative or uncooperative) in positive behavioral interventions is \$845/trainee.
- For purposes of this bill, it is assumed that at least one staff person at each school would require training using the Mandt System. The cost of such training is estimated to be \$1,435,700. (1,699 schools x \$845/trainee)
- Data system (SWIS) to track such incidents of behavior is estimated to cost \$4,000 per year per LEA totaling \$544,000. (136 LEAs x \$4,000)
- Part-time data entry person at \$20,000 per LEA totaling \$2,720,000.
- Assumes 10% (5,110) of all special education students would be recipients of restraint or seclusion behavior management. The

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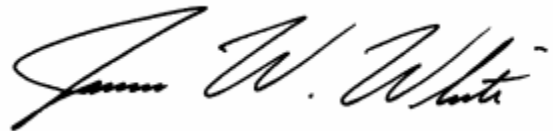
estimated cost of reporting to parents is \$25/student totaling \$127,750. (\$25 x 5,110)

- In addition, seclusion rooms which are used must meet certain specifications. It is unknown how many schools would have to build such a room, but the cost could be significant.
- Any cost to the Department of Education to compile and analyze such data from the LEAs and to report such data to the State Advisory Council is estimated to not significant and can be handled within the existing budget.
- Any cost to the State Board of Education to report to the Legislature and to assist LEAs with school wide plans is estimated to be not significant and can be handled within the normal course of business.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director